

3700		Long-Term Care Ombudsman Program
3101		Overview
3701	3701.1	This section provides an outline of the Division of Aging and Adult Services operational policies and procedures for the Long-Term Care Ombudsman Program (LTCOP). This policy section is subject to change as additional information and/or regulations are received from the U.S. Department of Health and Human Services, ACL/AoA.
	3701.2	The Division of Aging and Adult Services, through its contracts with the Area Agencies on Aging (AAA) shall develop, monitor and enforce policies and procedures governing the LTCOP. LTCOP services may be provided by contract with a regional public agency or a nonprofit organization.
	3701.3	The LTCOP exists to protect the human and civil rights of residents of long-term care (LTC) facilities, and to promote autonomy through individual and collective advocacy efforts to enhance quality of life and care in LTC facilities. The LTCOP is a resident centered advocacy program.

3700		Long-Term Care Ombudsman Program
3702		Authority and Statutory Requirement
3702	3702.1	The LTCOP is authorized and governed by the following statutes and regulations:
		A Older Americans Act of 1965 (as amended in 2006) P.L. 106-501, §307(9), §711-13 http://www.aoa.gov/AoARoot/AoA_Programs/OAA/oa_full.asp
		B A.R.S. §46-452.01 and A.R.S. §46-452.02 http://www.azleg.state.az.us/ArizonaRevisedStatutes.asp?Title=46
		C Division of Aging and Adult Services Long Term Care Ombudsman Manual 2011 https://www.azdes.gov/InternetFiles/InternetProgrammaticForms/pdf/AAA-1188AMANNA.pdf
		D Division of Aging and Adult Services Long Term Ombudsman Volunteer Manual 2011 https://www.azdes.gov/InternetFiles/InternetProgrammaticForms/pdf/AAA-1189AMANNA.pdf
	3702.2	The AAA must ensure that providers comply with the following:
		A A fingerprint based criminal background check shall be completed at time of hire, or as a result of reassignment after hire, on employees and volunteers who have direct contact with vulnerable individuals including those who are mentally disabled, frail, or have a chronic disease that puts them at risk for abuse (see A.R.S. §46-141). See also the Arizona Department of Economic Security Special Terms and Conditions - Professional Services/ Optional Auto /Children-Vulnerable Adult/Bonding AAA, section 5.

3700		Long-Term Care Ombudsman Program	
3703		Operational Procedures for Ombudsman Services	
3703	3703.1	The LTCOP offers the following services:	
		A	Information and referral
		B	Community education
		C	In-service education to facility staff
		D	Issues advocacy
	3703.2	Provide a complaint resolution process which assures date of initial contact with a resident, their legal representative, and/or the complainant, as appropriate, within 2 business days of receipt for all complaints received.	
	3703.3	Provide a complaint resolution process which assures the prioritization of handling urgent requests from complainants and the OSLTCO.	
	3703.4	Follow established quarterly visitation schedules to include all LTC facilities within the AAA region or as established by contract.	
	3703.5	Provide technical support for the development of resident and family councils.	
	3703.6	Make referrals to other governmental and/or community agencies, as appropriate.	
	3703.7	Identify, investigate, and resolve complaints made by, or on behalf of, residents that relate to action, inaction, or decisions, that may adversely affect the health, safety, welfare, or rights of the residents.	
	3703.8	Assist residents in identifying their rights under state and federal law and obtaining the rights and services to which they are entitled.	
	3703.9	Identify appropriate contractors of services and existing resources, and refer residents, complainants, and others to appropriate resources.	
	3703.10	Monitor referrals that are made to ensure service delivery.	
	3703.11	Assist residents and other individuals in removing barriers, including language and cultural barriers, which prevent them from meeting identified needs.	
	3703.12	Provide follow-up and coordination procedures that are standardized to ensure quality service delivery that is timely.	
	3703.13	Follow established procedures for recording client contacts and accepting individual complaints, concerns, and requests for assistance.	
	3703.14	Maintain and advertise a phone number for use by complainants.	

3700	Long-Term Care Ombudsman Program	
3703	Operational Procedures for Ombudsman Services (continued)	
3703	3703.15	Promote the Regional LTCOP by providing information, technical assistance, and education in all LTC facilities and communities throughout the region to increase visibility of the program.
	3703.16	Provide education, training, and technical assistance to citizen's groups, the general public, local volunteer groups, human services workers, LTC facility staff, and others involved in the LTC industry, concerning residents' rights and related issues.

3700	Long-Term Care Ombudsman Program	
3704	Operational Procedures and Responsibilities for Regional Ombudsman Program Coordinator Roles	
3704	3704.1	The Regional Ombudsman Program Coordinator (ROPC) will be limited in geographic scope to the area specified in the approved plan for the contracted service provider.
	3704.2	In administering the Regional LTCOP, the ROPC is responsible for the following activities within a region:
		A Recruiting, screening, interviewing, selecting, training, testing, managing and providing technical support to each Regional Ombudsman (RO) and Volunteer Ombudsman (VO) in the region.
		B Ensuring that each RO and VO follows related policies and procedures, rules, and laws of the program.
		C Ensuring that each RO and VO remains eligible for re-designation, and that all related documentation is sent to the OSLTCO and/or maintained within their file, as required in this chapter.
		D Ensuring that each RO and VO receives refresher training at least annually on the Older Americans Act, to include updates on changes in the law.
		E Receiving, investigating, and resolving complaints.
		F Representing the interests of residents before government agencies.
		G Seeking legal, administrative and other remedies on behalf of residents.
		H Analyzing, commenting on and monitoring the development of laws, regulations, policy and actions pertaining to LTC residents.
		I Supporting the development of resident and family councils.
		J Providing information, consultation, and education to residents, families, LTC facility staff, and to the greater community.
		K Making referrals to other governmental and/or community agencies, as appropriate.
		L Reporting program issues directly to the OSLTCO.
		M Submitting monthly NORS database reports prior to or by the due date of the 20th of the following month, and ensuring the accuracy of the contents of these reports.
		N Responding to request for information made by the OSLTCO in a timely fashion.
		O Participating in scheduled conference calls and tri-annual meetings hosted by the OSLTCO.

3700		Long-Term Care Ombudsman Program	
3704		Operational Procedures and Responsibilities for Regional Ombudsman Program Coordinator Roles (continued)	
3704 (CONTINUED)	3704.3	The ROPC may delegate the following responsibilities to a representative of the OSLTCO within the region:	
		A	Receiving, investigating and resolving complaints.
		B	Representing the interests of residents before government agencies.
		C	Seeking legal, administrative and other remedies on behalf of residents.
		D	Analyzing, commenting on and monitoring the development of laws, regulations, policy and actions pertaining to LTC residents.
		E	Supporting the development of resident and family councils.
		F	Providing information, consultation, and education to residents, families, LTC facility staff, and to the greater community.
		G	Making referrals to other governmental and/or community agencies, as appropriate.
		H	Recruiting, screening, interviewing, selecting, training, testing, managing, and providing technical support to each RO and VO.
		I	Participating in scheduled conference calls and tri-annual meetings hosted by the OSLTCO.

3700		Long-Term Care Ombudsman Program	
3705		Operational Procedures for Screening for Conflict of Interest	
3705	3705.1	Each ROPC, RO and VO shall sign a Conflict of Interest Statement form (Exhibit 3000D) prior to designation, and then again every twelve consecutive months, or when any change in status occurs. Copies of this form must be sent to the OSLTCO prior to designation and every twelve consecutive months thereafter, and at any time there is a change in status.	

3700	Long-Term Care Ombudsman Program	
3705	Operational Procedures for Screening for Conflict of Interest	
	3705.2	Conflict of interest occurs when an individual or a member of the individual's immediate family:
		A Has direct involvement in licensing and/or certifying LTC facilities
		B Is a provider of LTC services
		C Has ownership or investment interest in a LTC facility
		D Has ownership or investment interest in a LTC service
		E Is employed by and/or manages a LTC facility
		F Receives or has the right to receive, either directly or indirectly, remuneration with an owner or operator of a LTC facility
		G Has a designation/responsibility within the AAA to other programs which limits their ability to discharge their duties, services and provisions of the LTCOP to the residents of LTC settings.
		H Is employed at the same time by another employer in a position which conflicts with the duties, services and provisions of the LTCOP.
		I Has the potential to undermine the impartiality of the LTC Ombudsman because of the possibility of a clash between the Ombudsman's self-interest, professional interest or public interest while providing services to residents of LTC settings.
	3705.3	The ROPC will report in writing any identified conflict of interest of a representative of the OSLTCO within the region to the OSLTCO within one business day after identification of the conflict.
	3705.4	The OSLTCO will review the conflict of interest to determine if a waiver can be given.
		A Waivers will be determined on a case-by-case basis.
		B Written responses will be provided to the ROPC within 30 days of receipt of the request.

3700		Long-Term Care Ombudsman Program	
3706		Operational Procedures for the Maintenance of Ombudsman Information	
3706	3706.1	Representatives of the OSLTCO shall not disclose any information with respect to whom the program maintains files/records on. This includes:	
		A	Information pertaining to a resident, complainant, and ombudsman intervention
		B	Information pertaining to deposition of staff and volunteers by the representative of the OSLTCO
	3706.2	Persons requesting information are to be informed that the name of a resident or a complainant with whom the program has had intervention is confidential information and may be revealed only under the following circumstances:	
		A	The complainant, resident, and/or legal representative gives consent to the disclosure in writing;
		B	The complainant, resident, and/or legal representative gives oral consent and the consent is documented in writing on the Division of Aging and Adult Services Case Notes form (see Exhibit 3700B); or
		C	The disclosure is required by court order.
	3706.3	Residents, complainants, and/or legal representatives may be asked to complete the Division of Aging and Adult Services Authorization for Release of Confidential Information and Representation form prior to disclosure of information (Exhibit 3700A).	
	3706.4	Representatives of the OSLTCO will document the resident's, complainant's, and/or legal representative's oral consent on the Division of Aging and Adult Services Case Notes form (Exhibit 3700B).	
	3706.5	Subpoenas received by a Regional LTCOP shall be faxed to the OSLTCO within 1 business day of receipt by the ROPC. The original document shall be sent to the OSLTCO thereafter.	
		A	Representatives of the OSLTCO shall not discuss with the requesting attorney, his/her staff, or any other inquirer, any information requested in the subpoena or any information related to the case, including the extent of the LTCOP's involvement in the case.
		B	The OSLTCO will, upon receipt of the subpoena, forward it to the Office of the Attorney General State of Arizona, Child & Family Protection Unit within 1 business day for processing.
	3706.6	Court orders received a ROPC Coordinator, RO, or VO shall be faxed to the OSLTCO within 1 business day of receipt. The original document shall be sent to the OSLTCO thereafter. The OSLTCO will contact the Office of the Attorney General State of Arizona, Child & Family Protection Unit regarding the processing of the court order.	

3700		Long-Term Care Ombudsman Program
3707		Operational Procedures for Ombudsman Legal Representation & Liability
3707	3707.1	The official duties as specified in the Arizona Revised Statute and the Older Americans Act of 1965, when performed in good faith , are considered State conduct or action. Official duties are as defined in the Older Americans Act of 1965, as amended in 2000, §712 (a) (5) (A) and (B). Official duties are also those as defined in A.R.S. §46-452.02.B.
	3707.2	Representatives of the OSLTCO performing actions of official duties of their position are provided State legal representation.
	3707.3	Representatives of the OSLTCO performing action outside of the official duties specified will be interpreted as performing unauthorized action.
	3707.4	Representatives of the OSLTCO performing unauthorized action are not provided State legal representation and may be open to personal liability.
	3707.5	Representatives of the OSLTCO performing unauthorized action may be subject to de-designation, as described in Section 3711.

3700		Long-Term Care Ombudsman Program
3708		Operational Procedures for Ombudsman Designation
3708	3708.1	During the application process and before beginning training, the ROPC, or his or her designee, shall conduct an interview with each applicant during which the applicant will be informed of the long-term care ombudsman role and responsibilities and the following will be reviewed: the Conflict of Interest Statement, all requirements for designation and re-designation, program policies regarding de-designation, and all other expectations of the program. For an applicant applying to be a VO, the ROPC must ensure that at least three reference checks have been performed with use of the Volunteer Reference Check form and that the applicant has completed the Volunteer Application form (Exhibits 3700I and 3700G). These files are to be maintained by the Regional LTCOP.

3700		Long-Term Care Ombudsman Program	
3708		Operational Procedures for Ombudsman Designation	
	3708.2	The following are program requirements for designation:	
		A	Satisfactory completion of all training and testing requirements as described in Section 3709.
		B	Freedom from conflict of interest as demonstrated by signing the Conflict of Interest Statement form (Exhibit 3700D).
		C	Documentation of a negative Mantoux skin test or other tuberculosis screening test recommended by the U.S. Centers for Disease Control and Prevention (CDC) administered within 12 months before the date the individual begins providing services that includes the date and the type of tuberculosis screening test; or, if the individual had a positive Mantoux skin test or other tuberculosis screening test, a written statement that the individual is free from infectious tuberculosis signed by a medical practitioner dated within 12 months before the date the individual begins providing services. This documentation or statement shall be maintained by the Regional LTCOP. This applies to each ROPC and RO, and each VO that expects to have direct interaction with a resident for more than 8 hours per week. The ROPC retains the right to require initial testing of all VO applicants within his or her region prior to designation.
		D	Completion of a fingerprint criminal history background check as defined by A.R.S. §46-141.
		E	Completion of all required State and AAA paperwork, including completion of the Volunteer Commitment form (Exhibit 3700J).
	3708.3	The ROPC, or his or her designee, shall submit the completed Ombudsman Designation Checklist (Exhibit 3700C) and the Conflict of Interest Statement (Exhibit 3700D) to the OSLTCO certifying that all program requirements have been met by the applicant.	
	3708.4	When all requirements have been met and the necessary documents have been received, the OSLTCO may designate the applicant as a representative of the OSLTCO.	
	3708.5	The OSLTCO will issue by mail a State of Arizona photo identification badge to the ROPC which is to be carried at all times while acting as a representative of the OSLTCO.	

3700		Long-Term Care Ombudsman Program	
3709		Operational Procedures for Initial Ombudsman Training and Testing	
3709	3709.1	The OSLTCO will develop and keep current a uniform core training curriculum based on model standards as established by the National Ombudsman Resource Center and as supported by the Administration on Aging. The minimum 16-hour core curriculum shall consist of the following content:	

3700	Long-Term Care Ombudsman Program	
3709	Operational Procedures for Initial Ombudsman Training and Testing	
	A	LTC Ombudsman Program Responsibility
	B	History and Roles of the Program
	C	Ethics
	D	Gerontology/Aging Process and Common Illnesses and Conditions
	E	Mental Illness, Dementia, and Substance Abuse Problems
	F	Developmental and Physical Disabilities
	G	LTC System
	H	Legal Systems
	I	Regulatory Requirements of LTC Settings
	J	Resident Rights
	K	Communication
	L	Techniques of Complaint Process/Investigation
	M	Federal and State applicable Laws and Regulations
	N	Problem Solving and Resolution
	O	Medicare and Medicaid
	P	Confidentiality of Records
	Q	Resident Records
	R	Community Resources
	D	Documentation
	T	NORS Data Reporting / DES LTC Ombudsman Database
	U	Volunteerism (applies only to ROPCs)
	V	Maintaining Ombudsman Records (applies only to ROPCs)
3709.2	The OSLTCO will develop, keep current, and provide to ROCPs a uniform examination, the Ombudsman Designation Examination, based on model standards as established by the National Ombudsman Resource Center and as supported by the Administration on Aging.	
3709.3	For the purposes of designation, initial training and testing of ROPCs will be provided by the OSLTCO.	
3709.4	For the purposes of designation, initial training and testing of ROs and VOs will be provided by ROPCs.	
3709.5	Applicants must pass the Ombudsman Designation Examination with a score of at least 70 points. The Ombudsman Designation Examination must be passed within 3 months of completion of the initial 16 hours of core-curriculum training. Applicants may take the test no more than two times during this period to achieve the required minimum score. Requests for reasonable accommodations shall be sent to the OSLTCO by ROCPs and the OSLTCO will provide reasonable accommodations where appropriate.	
3709.6	ROPCs will provide a minimum of 16 hours of core-curriculum training and four hours of in-the-field training to the applicant.	

3700	Long-Term Care Ombudsman Program	
3709	Operational Procedures for Initial Ombudsman Training and Testing	
	3709.7	The ROPC will use the Ombudsman Designation Checklist (Exhibit 3700C) and Training Record (see Exhibit 3700H) for each individual. This original record is to be placed in the individual's personnel file along with graded Ombudsman Designation Examination(s). Copies of the completed Ombudsman Designation Checklist and the Conflict of Interest Statement are to be sent to the OSLTCO for designation consideration.
	3709.8	Use of the National Ombudsman Resource Center Online Curriculum during the initial training process is left the discretion of each Regional LTCOP. If utilized, this training may be counted as 5 of the 16 hours of core curriculum training, and should be documented in each applicant's Training Record (Exhibit 3700H). Use of this training does it diminish a ROPCs responsibility to ensure that all core curriculum training has satisfactorily provided.

3700	Long-Term Care Ombudsman Program	
3710	Operational Procedures for Ombudsman Re-Designation	
3710	3710.1	The following are program requirements for re-designation, which shall occur during the twelfth month after initial designation and then again during every twelve consecutive months:

3700	Long-Term Care Ombudsman Program	
3710	Operational Procedures for Ombudsman Re-Designation	
	A	Remain free of conflict of interest as evidenced by reviewing and signing the Conflict of Interest Statement (Exhibit 3700D) if a change in status occurs or at least once every twelve consecutive months.
	B	Documentation of a negative Mantoux skin test or other tuberculosis screening test recommended by the CDC administered to the individual within 30 calendar days before or after the anniversary date of the most recent tuberculosis screening test or written statement that includes the date and the type of tuberculosis screening test; or, if the individual has had a positive Mantoux skin test or other tuberculosis screening test, a written statement that the individual is free from infectious tuberculosis signed by a medical practitioner dated within 30 calendar days before or after the anniversary date of the most recent tuberculosis screening test or written statement. This documentation or statement shall be maintained by the Regional LTCOP. This applies to each ROPC and RO, and each VO that expects to have direct interaction with a resident for more than 8 hours per week. The ROPC retains the right to require annual testing of all designated VOs within his or her region.
	C	Each RO and VO shall complete at least 8 hours of in-service training annually. This training will be provided and/or approved in advance by the ROPC for each region.
	D	Each ROPC shall complete at least twelve hours of in-service training annually.
	E	Each ROPC and RO shall attend at least 1 outside training each year to increase knowledge and networking capabilities. Proof of outside training completion must be maintained by the Regional LTCOP.
	F	Continue to demonstrate the ability to carry out the duties of the office.
	G	All representatives of the OSLTCO must remain in compliance with federal and state law, local policies and procedures and LTCOP Policies and Procedures.
	3710.2	The ROPC and the OSLTCO shall work together to provide opportunities to meet the required 8 hours of annual in-service training for each RO and VO.
	3710.3	The ROPC shall submit to the OSLTCO a completed Ombudsman Re-designation Checklist (Exhibit 3700L) which certifies that all re-designation requirements have been met by the representative of the OSLTCO within that region, along with a copy of the completed Conflict of Interest Statement form (Exhibit 3700D), no later than twelve consecutive months following designation or re-designation.
	3710.4	All training, including any outside training, is to be outlined on a Training Record form (Exhibit 3700H) for each representative of the OSLTCO, and is to be maintained by the Regional LTCOP.
	3710.5	The ROPC may elect to allow a VO to take a leave of absence, for a variety of reasons, and, if so, shall document the terms of this leave of absence and shall attach the documentation to the Volunteer Commitment form (Exhibit 3700J).
	3710.6	The ROPC shall utilize the Volunteer Performance Evaluation form with each VO no later than 6 months after designation, and again upon annual re-designation (Exhibit 3700K). These completed forms are to be maintained by the Regional LTCOP.

3700	Long-Term Care Ombudsman Program	
3710	Operational Procedures for Ombudsman Re-Designation	
	3710.7	In the event that a RO or VO does not meet all requirements for re-designation as listed in this chapter within 2 months following the month of re-designation, the ROPC shall place the RO or VO on an evaluation period until all requirements are met. During this evaluation period, which may last no more than 1 month, the RO or VO may not represent the LTCOP in any way or perform actions of official duties of the position. If, at the end of the period, program requirements for re-designation are still not met, the ROPC must complete the Ombudsman De-designation Recommendation form and send it to the OSLTCO immediately.
	3710.8	In the event that a ROPC does not meet all requirements for re-designation, the OSLTCO will contact the ROPC and/or the AAA to remedy the situation.

3700		Long-Term Care Ombudsman Program	
3711		Operational Procedures for Ombudsman De-designation	
3711	3711.1	The ROPC and/or the AAA may recommend de-designation of a RO or VO to the OSLTCO. Any representative of the OSLTCO may voluntarily resign from the LTCOP.	
	3711.2	No representative of the OSLTCO shall be de-designated without cause. Actions that may result in de-designation include the following, but are not limited to:	
		A	Failure of the individual to meet and/or maintain the criteria for certification
		B	Deliberate failure of the individual to disclose any conflict of interest or the existence of an un-remedied conflict of interest
		C	Violation of confidentiality requirements
		D	Failure to provide adequate and appropriate services to LTC residents
		E	Falsification of records
		F	Failure to act in accordance with applicable federal and state laws, rules, regulations and policies
	3711.3	The ROPC or AAA will submit a written recommendation utilizing the Ombudsman De-designation Recommendation form (Exhibit 3700M), that includes any and all remedial actions that have been implemented and the results from such attempted actions, with any relevant documentation, to the OSLTCO.	
	3711.4	When the Ombudsman De-designation Recommendation form and any related documentation is received, the OSLTCO will consult with the ROPC and/or the AAA to discuss the recommendation, and may request that other remedial actions be put in place to prevent de-certification.	
	3711.5	If an attempt at remedial action is unsuccessful and cause still exists, the OSLTCO may de-designate, as appropriate, and will inform the ROPC and/or the AAA of this action in writing. The OSLTCO will provide written notice to inform the de-designated representatives of the OSLTCO that cause has been established and set forth the effective date of the de-designation.	
	3711.6	If the de-designation results in the absence of LTCOP services in a service area, the OSLTCO and ROPC and/or the AAA shall arrange for the provision of LTCOP services until the absence is filled.	
	3711.7	The ROPC and/or AAA must ensure that a de-designated representative abides by the following:	
		A	Surrender the State of Arizona Ombudsman photo identification badge immediately to the ROPC and/or the AAA. The ROPC and/or the AAA shall return the surrendered badge to the OSLTCO;
		B	Cease to identify himself/herself as representative of the OSLTCO; and
		C	Maintain confidentiality regarding events witnessed and/or experienced while performing duties as a representative of the OSLTCO.
	3711.8	The OSLTCO will have the authority to de-designate a ROPC, RO, or VO when cause has been determined and the AAA has been unable to remedy the situation.	

3700	Long-Term Care Ombudsman Program
3700	Operational Procedures for Ombudsman Reporting Requirements
3712	3712.1 The AAA shall collect program data and ensure the maintenance of records as defined in the Aging and Adult Administration Policy Section 1600.
	3712.2 All representatives of the OSLTCO shall utilize all program forms appropriately as specified within this chapter, and/or by the OSLTCO, and any other form as requested by the OSLTCO.
	3712.3 Collect accurate data for needs assessments, program evaluation, and reporting.
	3712.4 Input information from each Ombudsman Case form (Exhibit 3700F) into the web-based DES LTC Ombudsman Database no later than the end of the month in which the case was closed.
	3712.5 Complete Monthly Data Collection Reports (Exhibit 3700E) and input information from this report into the web-based DES LTC Ombudsman Database no later than the 20 th of the following month
	3712.6 Maintain compliance with the National Ombudsman Reporting System and Arizona State reporting requirements to collect and analyze data relating to complaints and conditions in LTC facilities.
	3712.7 Provide other reports to the OSLTCO, as requested

EXHIBITS

3700A	Authorization for Release of Confidential Information and Representation
3700B	Case Notes
3700C	Ombudsman Designation Checklist
3700D	Conflict of Interest Statement
3700E	Monthly Data Collection Report
3700F	Ombudsman Case
3700G	Volunteer Reference Check
3700H	Training Record
3700I	Volunteer Application
3700J	Volunteer Commitment
3700K	Volunteer Performance Evaluation
3700L	Re-Designation Checklist
3700M	Ombudsman De-Designation Recommendation